

UNITED STATES OF AMERICA and
STATE OF TENNESSEE

Plaintiffs,

v.

ALLEN R. FOSTER

Defendant.

CONSENT JUDGMENT

1. This Court has jurisdiction over the subject matter of this litigation and over all parties to this action. The plaintiffs' Complaint states a claim upon which relief can be granted.
2. The plaintiffs allege in their Complaint that defendant submitted false claims to the Medicare and TennCare programs in violation of the False Claims Act ("FCA"), as amended, 31 U.S.C. § 3729 *et seq.*, and the Tennessee Medicaid False Claims Act ("TMFCA"), Tenn. Code Ann. § 71-5-181 *et seq.*, and is liable to the United States and the State of Tennessee for treble damages and civil penalties.
3. Defendant admits that he committed certain violations alleged in the Complaint but denies that he committed all of the violations alleged in the Complaint.



4. The United States, the State of Tennessee and defendant desire to avoid further litigation and have therefore agreed to the terms of this Consent Judgment.
5. Defendant shall pay to the United States and the State of Tennessee \$280,288.00, plus interest at the legal rate from the date of entry of this Consent Judgment, according to the following terms:
 - a. Defendant shall pay the criminal monetary penalties assessed against him in Case Number: 3:11-CR-007-001 in their entirety prior to making any payments on this Consent Judgment.
 - b. Once the criminal monetary penalties have been satisfied, defendant shall pay the \$280,288.00 owed to the United States and the State of Tennessee as a result of this Consent Judgment.
6. The payment set forth in Paragraph 5 above shall be in full satisfaction of the claims of the United States and the State of Tennessee alleged in this action; including any claims for civil penalties under the FCA or TMFCA.
7. The payment set forth in Paragraph 5 shall not be construed as a fine or penalty.
8. Defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses to the obligations imposed upon him pursuant to this Consent Judgment, including without limitation a defense of excessive fine or penalty.
9. This Court shall retain jurisdiction to enforce the provisions of this Consent Judgment.
10. This Consent Judgment shall be recorded among the records of the Register's Office in the county of residence of the defendant, and all other jurisdictions where it is determined by the plaintiffs that the defendant owns real or personal property.

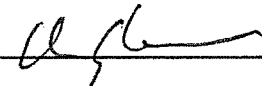
ENTER:


UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY:

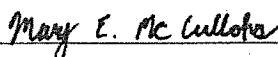
ATTORNEYS FOR PLAINTIFFS:

WILLIAM C. KILLIAN
UNITED STATES ATTORNEY

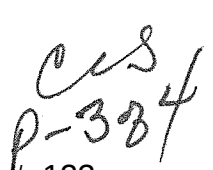
By: 

Ben D. Cunningham, TN Bar No. 030122
Special Assistant United States Attorney
Elizabeth S. Tonkin, TN Bar No. 010305
Assistant United States Attorney
800 Market Street, Suite 211
Knoxville, TN 37901
(865) 545-4167
Ben.Cunningham@usdoj.gov
Counsel for Plaintiff United States

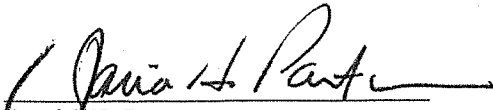
ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER
FOR THE STATE OF TENNESSEE

By:  (w/permission by: Ben Cunningham)

Mary Elizabeth McCullohs
Assistant Attorney General
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202
(615) 741-8126
Mary.Mccullohs@ag.Tn.Gov
Counsel for Plaintiff State of Tennessee



ATTORNEY FOR DEFENDANT:



David H. Parton

530 Parkway

Gatlinburg, TN 37738

(865) 436-5932

Partond@bellsouth.net

Attorney for Defendant

